

MICHAEL FAILLACE & ASSOCIATES, P.C.
Michael Faillace [MF-8436]
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New York, New York 10022
(212) 317-1200
Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
PABLO ANGAMARCA, JESUS VELASQUEZ,
MANUEL ANGAMARCA, ANTONIO SANTOS,
CARLOS AUGUSTO, ROBERTO LOMA, and
DAVID QUIRIRO, individually and on behalf of
others similarly situated,

Plaintiffs,

-against-

MAC-WAR RESTAURANT CORP. d/b/a HAKATA
JAPANESE RESTAURANT and ALLAN WARTSKI,

Defendants.
-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

DANIEL FOJAS, being duly sworn, deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the State of New York.

That on June 7, 2007 at 9:35 am at 226 W. 47th Street, 3rd Floor, New York, New York 10036, deponent served the within Summons and Complaint on ALLAN WARTSKI.

SUITABLE AGE PERSON. Service was made in the following manner after deponent was unable with due diligence to serve the Defendant in person: by delivering a true copy of the thereof to PEDRO GARCON, MANAGER, a person of suitable age and discretion at 226 W. 47th Street, 3rd Floor, New York, New York 10036, the said premises being the Defendant's Place of business within the state of New York. Deponent states that PEDRO GARCON informed deponent, via telephone, to leave said papers personally with KYLE FINCHAM, CALL CENTER EMPLOYEE

MAILING. Deponent completed service under the last two sections by depositing one (1) copy of the Summons and Complaint to ALLAN WARTSKI at 226 W. 47th

07 CV 4759 (LLS)(FM)

COMPLAINT

**AFFIDAVIT OF
SERVICE OF
SUMMONS AND
COMPLAINT ON
ALLAN WARTSKI**

Street, 3rd Floor, New York, New York 10036 in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Post Office in the State of New York on June 7, 2007 via First Class Mail. The mailing was made to the address bearing "PERSONAL AND CONFIDENTIAL" and not indicating "LEGAL ACTION".

Deponent further states that he describes the person actually served as follows:

Sex:	MALE
Skin Color:	WHITE
Hair Color:	BROWN
Eye Color:	BROWN
Age (Approx.):	25
Height (Approx.):	5'8"
Weight (Approx.):	145 LBS


Upon information and belief Deponent avers that the recipient is not in military service of New York of the United States as that term is defined in either the State or in the Federal statutes.



Daniel Fojas

Sworn to before me on this

7th day of June, 2007



NOTARY

MICHAEL FAILLACE
NOTARY PUBLIC-STATE OF NEW YORK
No. 02FA6120964
Qualified in New York County
Commission Expires January 03, 2009